

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

United States of America)	Cr. No. 7:03-758-HMH
)	
vs.)	
)	OPINION & ORDER
Calvin Terrell Williams,)	
)	
Defendant.)	

This matter is before the court on the Defendant's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 742 of the United States Sentencing Guidelines ("U.S.S.G.") effective November 1, 2010. The Defendant was sentenced on October 31, 2003. In his presentence investigation report, two points were added to his criminal history points because the offense "was committed less than two years following the defendant's release from custody" on another sentence. (PSR ¶ 51.) Therefore, two points were added pursuant to U.S.S.G. § 4A1.1(e), the applicable guideline when the Defendant was sentenced. Amendment 742 eliminated recency points for criminal history in the U.S.S.G. However, Amendment 742 has not been made retroactive pursuant to U.S.S.G. § 1B1.10. Therefore, the Defendant's pro se motion for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 742 is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
February 17, 2011

NOTICE OF RIGHT TO APPEAL

Movant is hereby notified that he has the right to appeal this order within ten (10) days from the date hereof, pursuant to Rule 4 of the Federal Rules of Appellate Procedure.